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NXP, B.V. NXP INTELLECTUAL PROPERTY & LICENSING M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			EXAMINER DAZENSKI, MARC A	
			ART UNIT 2621	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/560,709	<b>Applicant(s)</b> SHEN ET AL.	
	<b>Examiner</b> MARC DAZENSKI	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 44-50 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 15 October 2009 have been fully considered but they are not persuasive.

On page 14 of the remarks, Applicant argues, "as the Office Action does not explain the rationale behind the rejection (e.g., by identifying the alleged correspondence to elements such as trick play clips or fast skim clips), there is not a prima facie case for the rejection," and further there is no correspondence in the '794 reference to trick play clips and fast skim clips. Still further, Applicant argues on page 15 that "the '794 reference does not teach both trick play clips and fast skim clips." The examiner respectfully disagrees.

As is the examiners understanding (from, e.g., figure 2 and pages 5-7 of the specification), the trick plays clip are frames that are displayed during a trick-play mode (the speed of which is different than normal play speed) and the fast skim clips are frames that 1.) alternate with the trick play clips in the normal direction of play, and 2.) are skimmed (i.e., skipped or played at a substantially higher speed) during the trick-play mode. Therefore, the examiner maintains that the well-known "I-frame only" trick-play method (disclosed in the specification at page 3, line 16 through page 4, line 5) effectively reads on the claim so long as the program stream is encoded according to MPEG standards. This would mean that regardless of the trick-play speed, the I-frames of the program (P1, P2, Pn, etc.) in McLaren would be the trick-play clips and everything

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else would comprise the "fast skim clips," as these frames are not displayed during a trick-play operation. It is well known that B- and P-frames alternate with I-frames in MPEG, so therefore the fast skim clips would alternate with the trick play clips since the signal in McLaren is compressed according to MPEG standards.

Though McLaren does in fact describe switching between multiple streams, it is clear from figure 4 that the trick play streams and normal play streams (e.g., TP1, NP1, -TP1, TP2, etc.) are output through switch (S1) as digital video stream (511) which is then output to display device (1000). Because the cited sections of McLaren make numerous references to MPEG video, the examiner maintains that this digital video stream (511) must be encoded according to the MPEG standards (i.e., using GOP's) and therefore the interpretation of the "I-frame only" trick play reproduction method stated above still stands. Lastly, the examiner points to column 2, lines 25-26 of McLaren which state that a single stream may be used to provide both normal and trick play operation (although it does admit that this would limit the trick play speeds available).

On page 15 of the remarks, Applicant argues that "the '794 reference does not store indications of both trick play mode clips and fast skim clips as the '794 reference simply uses multiple, substantially independent streams." The examiner respectfully disagrees.

First, the examiner points out that nowhere in claim 1 as written does it state that indications of **both** trick play mode clips and fast skim clips are stored on the medium, but rather only indications for "frames...as start locations of respective trick play clips."

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Second, the examiner points to figure 4, specifically the trick play streams TP1, TP2, - TP1, -TP2, etc., as well as the normal play stream NP. These streams must have indications regarding entry points for the trick play mode or else they would not be able to be differentiated from the normal play clips. Indeed, this feature is disclosed LUT's for each GOP in each stream (see, e.g., column 3, line 67 through column 4, line 24; column 5, lines 45-52; column 8, lines 35-55; Table 2; and item (120) in figure 4). Therefore, the examiner maintains that McLaren does in fact disclose the claimed indications of trick play mode clips.

A full rejection of the pending claims appears below.

### ***Claim Objections***

**Claim 1** is objected to because of the following informalities: lines 19-20 of the claim read, "the trick play clips being presented at a slower speed than the trick play speed..." However, lines 8-9 of the claim read, "...trick play clips for playing in a trick play mode having a trick play speed of play substantially different from the normal speed..." As written it is unclear as to how the trick play clips, which are reproduced at a trick play speed during a trick play mode, can also be reproduced at a speed slower than the trick play speed during the trick play mode.

Further, it is unclear as to how "...the fast skim clips being presented at a faster play speed than the trick play speed" is possible when lines 16-17 disclose that the skimming can comprise skipping of the clips altogether. Appropriate correction is required.

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**Claim 42** is objected to because of the following informalities: the claim is drawn toward "a physical transmission medium storing data that when executed by a processor perform the steps of..." However, the phrase "physical transmission medium" is absent from the specification; the closest the examiner can find is the disclosed "transmission medium" of page 4, lines 6-11, which is defined as encompassing non-statutory subject matter (e.g., "signals in the form of electromagnetic waves"). Although the player (240) of figure 5 comprises controller (244), nowhere in the specification does it say that it contains some sort of physical recording medium or the like which contains the control program described in claim 42. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-3, 5-7, 9-10, 14-16, 23-39, and 41-43** are rejected under 35 U.S.C. 102(e) as being anticipated by McLaren et al (US Patent 6,064,794), hereinafter referred to as McLaren.

Regarding **claim 1**, McLaren discloses a trick-play control for pre-encoded video. Further, McLaren discloses a method (see figure 5) comprising:

providing a performance for presentation during normal playing of the performance with a predetermined normal speed in a predetermined normal direction,

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the performance including a multitude of frames (see column 6, lines 60-62 and figure 4);

storing the performance on a storage medium (see column 6, lines 60-62 and figure 4);

reading portions of the performance from the storage medium (see column 7, lines 49-51);

selecting, and storing an indication thereof, frames of the multitude of frames as start locations of respective trick play clips for playing in a trick play mode having a trick play speed of play substantially different from the normal speed, defining portions of the performance between the trick play clips as fast skim clips for skimming in the trick play mode the skim clips alternating with the trick play clips in the normal direction of play (see column 6, line 61 through column 7, line 19 as well as figure 4); and

playing, in response to the stored identification and in the trick play mode, the trick play clips and skimming the fast skim clips between the trick play clips, the skimming being either skipping of fast skim clips or playing fast skim clips at a substantially higher speed than the trick play clips in the trick play mode, the trick play clips being presented at a slower speed than the trick play speed and the fast skim clips being presented at a faster play speed than the trick play speed (see column 7, line 49 through column 8, line 23 as well as figures 4-5).

Regarding **claim 2**, McLaren discloses everything claimed as applied above (see claim 1). Further, McLaren discloses in the trick play mode, the trick play clips are played at the normal speed (see column 3, lines 13-15).

Regarding **claim 3**, McLaren discloses everything claimed as applied above (see claim 1). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 1 above.

Regarding **claim 5**, McLaren discloses everything claimed as applied above (see claim 1). Further, McLaren discloses in which: the performance includes video, the frames include video frames, and the trick play clips and fast skim clips include video clips; and in the trick play mode the trick play video clips are presented at less than about 8 times the normal speed so the video clips can be understood by the audience (see column 2, lines 45-55).

Regarding **claim 6**, McLaren discloses everything claimed as applied above (see claim 5). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 1 above.

Regarding **claim 7**, McLaren discloses everything claimed as applied above (see claim 5). Further, McLaren discloses in which the trick play video clips are selected during an authoring process prior to storing the performance so that the trick play video clips contain logically related portions of video (see column 4, lines 19-30; column 6, lines 30-34; and figure 3).

Regarding **claim 9**, McLaren discloses everything claimed as applied above (see claim 7). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 7 above (wherein it is well known in the art that in MPEG streams audio is interleaved with video).



Regarding **claim 10**, McLaren discloses everything claimed as applied above (see claim 7). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 1 above.

Regarding **claim 14**, McLaren discloses everything claimed as applied above (see claim 1). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 1 above.

Regarding **claim 15**, McLaren discloses everything claimed as applied above (see claim 14). Further, McLaren discloses in which the trick play clips start at different positions for the different media (see column 3, lines 36 through column 4, line 24 as well as table 2).

Regarding **claim 16**, McLaren discloses everything claimed as applied above (see claim 14). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 1 above.

Regarding **claim 23**, McLaren discloses everything claimed as applied above (see claim 1). Further, McLaren discloses in which there are trick mode entry points at intervals of multiple frames in the stored performance, and the trick play clips are selected to begin at respective trick mode entry points, but not at every trick mode entry point (see column 3, line 36 through column 4, line 24).

Regarding **claim 24**, McLaren discloses everything claimed as applied above (see claim 23). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 23 above.

Regarding **claim 25**, McLaren discloses everything claimed as applied above (see claim 23). Further, McLaren discloses in which the positions of trick play clips are determined prior to storing the performance and pointers to the trick play clips are stored on the same storage medium as the performance (see column 7, lines 30-37 as well as figure 4).

Regarding **claim 26**, McLaren discloses everything claimed as applied above (see claim 23). Further, McLaren discloses in which pointers to the trick play clips are stored in a table that is separate from the performance (see column 7, lines 16-19 as well as figure 4).

Regarding **claim 27**, McLaren discloses everything claimed as applied above (see claim 1). Further, McLaren discloses in which the length of the fast skim clips are more than 2 times the length of the trick play clips, the length being measured in numbers frames (see column 4, lines 26-47, table 2, as well as figure 2, wherein if the reproduction is at 10X then only one out of every ten frames will be decoded and therefore the number of frames in the fast skim clips, i.e. the length, will automatically be longer than the trick play clips).

Regarding **claim 28**, McLaren discloses everything claimed as applied above (see claim 1). Further, McLaren discloses in which the length of the trick play clips are user adjustable after storing the performance (see column 7, line 49 through column 8, line 23 as well as figures 4-5).

Regarding **claims 29-30**, McLaren discloses everything claimed as applied above (see claim 1). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 28 above.

Regarding **claim 31**, the examiner maintains the claim is merely the corresponding apparatus to the method of claim 1, and is therefore rejected in view of the explanation set forth in claim 1 above.

Regarding **claim 32**, McLaren discloses everything claimed as applied above (see claim 31). Further, McLaren discloses means (246) for selecting the trick play clips and fast skim clips during the playing in the trick play mode (see column 3, lines 24-26).

Regarding **claim 33**, McLaren discloses everything claimed as applied above (see claim 31). Further, McLaren discloses in which the stored performance is compressed and the player further comprises means for decompressing the portions of the performance read from the storage medium (see column 2, lines 45-55; column 3, lines 21-22; and figure 4).

Regarding **claim 34**, McLaren discloses everything claimed as applied above (see claim 33). Further, McLaren discloses in which portions of the fast skim clips are not decompressed during the playing in the trick play mode (see column 3, line 60 through column 4, line 25; wherein by skipping to a new stream the fast skim clips are not read and are therefore not decompressed).

Regarding **claim 35**, McLaren discloses everything claimed as applied above (see claim 31). Further, McLaren discloses means for reading pointers to the trick play

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clips from the storage medium, the playing of the trick play clips during the trick play mode depending on the pointers (see column 5, line 45 through column 6 line 9).

Regarding **claim 36**, McLaren discloses everything claimed as applied above (see claim 35). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 35 above.

Regarding **claim 37**, McLaren discloses everything claimed as applied above (see claim 35). Further, the limitations of the claim are rejected in view of the explanation set forth in claims 33 and 35 above.

Regarding **claim 38**, McLaren discloses everything claimed as applied above. Further, McLaren discloses a play unit for presenting the decompressed portions of the performance to an audience (see figure 4, item (1000) labeled 'display').

Regarding **claim 39**, McLaren discloses trick-play control for pre-encoded video. Further, McLaren discloses a recorder comprising:

an input for receiving a performance, the performance including a multitude of sequential frames for presentation during normal playing of the performance in a predetermined normal direction at a predetermined normal speed (see column 6, lines 35-62 and figure 4);

means for selecting trick play clips of the stored performance for playing in a trick play mode, portions of the performance between the trick play clips being defined as fast skim clips for skimming in the trick play mode, multiple trick play clips and fast skim clips each containing multiple sequential frames, the trick play clips alternating with the fast skim clips in the normal frame presentation order, the trick play mode including

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playing the trick play clips and skimming the fast skim clips between the trick play clips, the skimming including either skipping of fast skim clips or playing fast skim clips at a substantially higher speed than the trick play clips in the trick play mode, the average speed of the playing and skimming in the trick play mode being substantially different than the normal speed, the trick play clips being sufficiently long and being presented at a sufficiently low speed so that the content of the trick play clips can be understood by a human audience (see column 6 line 61 through column 7 line 19; column 7, line 49 through column 8, line 23; as well as figure 4);

means for storing the performance on a storage medium and storing indications of the positions of the trick play clips on the storage medium, the indications of the positions of the trick play clips defining which portions of the performance are trick play clips and which portions of the performance are fast skim clips (see column 7, lines 31-37 as well as figure 4).

Regarding **claim 41**, the examiner maintains that the claim is merely the corresponding method to the apparatus of claim 39, and therefore is rejected in view of the explanation set forth in claim 39 above.

Regarding **claim 42**, the limitations of the claim are rejected in view of the explanation set forth in claim 41 above.

Regarding **claim 43**, the limitations of the claim are rejected in view of the explanation set forth in claim 41 above.

***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 4, 11-12, 17-19, 21-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over McLaren et al (US Patent 6,064,794), hereinafter referred to as McLaren, in view of Gupta et al (US Patent 7,313,808), hereinafter referred to as Gupta.

Regarding **claim 4**, McLaren discloses everything claimed as applied above (see claim 1). However, McLaren fails to disclose in the trick play mode, the fast skim clips are played at least twice as fast as the trick play clips. The examiner maintains it was well known in the art to include the missing limitations, as taught by Gupta.

In a similar field of endeavor, Gupta discloses browsing continuous multimedia content. Further, Gupta discloses in the trick play mode, the fast skim clips are played at least twice as fast as the trick play clips (see column 4, lines 40-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the trick-play control for pre-encoded video of McLaren to include in the trick play mode, the fast skim clips are played at least twice as fast as the trick play clips, as taught by Gupta, for the purpose of maintaining intelligibility of a video presentation during a fast-reproduction operation.

Regarding **claim 11**, McLaren discloses everything claimed as applied above (see claim 10). However, McLaren fails to disclose the trick play video speed is less than the normal video speed to provide slow motion trick play mode and the trick play

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audio speed is substantially normal during the slow motion trick play mode. The examiner maintains it was well known in the art to include the missing limitations, as taught by Gupta.

In a similar field of endeavor, Gupta discloses browsing continuous multimedia content. Further, Gupta discloses in which the video speed is less than the normal video speed to provide slow motion trick play mode and the audio speed is substantially normal during the slow motion trick play mode (see column 4, lines 40-65; and column 8, lines 50-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the trick-play control for pre-encoded video of McLaren to include the trick play video speed is less than the normal video speed to provide slow motion trick play mode and the trick play audio speed is substantially normal during the slow motion trick play mode, as taught by Gupta, for the purpose of maintaining intelligibility of a video presentation during a fast-reproduction operation.

Regarding **claim 12**, the limitations of the claim are rejected in view of the explanation set forth in claim 11 above.

Regarding **claim 17**, the limitations of the claim are rejected in view of the explanation set forth in claim 11 above.

Regarding **claim 18**, the limitations of the claim are rejected in view of the explanation set forth in claim 11 above.

Regarding **claim 19**, the limitations of the claim are rejected in view of the explanation set forth in claim 11 above.

Regarding **claim 21-22**, the limitations of the claims are rejected in view of the explanation set forth in claim 17 above.

**Claims 8, 13, 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over McLaren et al (US Patent 6,064,794), hereinafter referred to as McLaren, in view of Birmingham et al (US Patent 6,868,224), hereinafter referred to as Birmingham.

Regarding **claim 8**, McLaren discloses everything claimed as applied above (see claim 1). Further, McLaren discloses in which: the performance includes audio, the frames include audio frames, and the trick play clips and fast skim clips each include audio clips; in the trick play mode the fast skim audio clips are skipped (see column 2, lines 45-55 as well as the rejection of claim 1 above). However, McLaren fails to disclose for multiple trick play audio clips, none of the frames of the trick play audio clip are skipped in the trick play mode; in the trick play mode, the trick play audio clips are played less than about 3 times the normal speed so the audio clips can be understood by the audience. The examiner maintains that it was well known to include the missing limitations, as taught by Birmingham.

In a similar field of endeavor, Birmingham discloses a method and apparatus for providing multimedia playback. Further, Birmingham discloses for multiple trick play audio clips, none of the frames of the trick play audio clip are skipped in the trick play mode; in the trick play mode, the trick play audio clips are played less than about 3 times the normal speed so the audio clips can be understood by the audience (see column 2, line 66 through column 3, line 20).



Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the trick-play control for pre-encoded video of McLaren to include for multiple trick play audio clips, none of the frames of the trick play audio clip are skipped in the trick play mode; in the trick play mode, the trick play audio clips are played less than about 3 times the normal speed so the audio clips can be understood by the audience, as taught by Birmingham, for the purpose of maintaining intelligibility of a video presentation during a fast-reproduction operation.

Regarding **claim 13**, McLaren discloses everything claimed as applied above (see claim 10). However, McLaren fails to disclose in which the video direction is the reverse of the normal direction to provide a reverse motion trick play mode and the trick play audio clips are provided in reverse order but the contents of the audio clips are played in the normal direction so the audio clips can be understood during the reverse motion trick play mode. The examiner maintains that it was well known in the art to include the missing limitations, as taught by Birmingham.

In a similar field of endeavor, Birmingham discloses a method and apparatus for providing multimedia playback. Further, Birmingham discloses in which the video direction is the reverse of the normal direction to provide a reverse motion trick play mode and the trick play audio clips are provided in reverse order but the contents of the audio clips are played in the normal direction so the audio clips can be understood during the reverse motion trick play mode (see column 4, lines 51-59 and column 5, lines 37-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the trick-play control for pre-encoded video of McLaren to include in which the video direction is the reverse of the normal direction to provide a reverse motion trick play mode and the trick play audio clips are provided in reverse order but the contents of the audio clips are played in the normal direction so the audio clips can be understood during the reverse motion trick play mode, as taught by Birmingham, for the purpose of maintaining intelligibility of a video presentation during a fast-reproduction operation.

Regarding **claim 20**, McLaren discloses everything claimed as applied above (see claim 16). However, McLaren fails to disclose in which the trick play audio clips are played at the normal audio speed and the trick play video clips are played at a faster than normal video speed. The examiner maintains it was well known in the art to include the missing limitations, as taught by Birmingham.

In a similar field of endeavor, Birmingham discloses a method and apparatus for providing multimedia playback. Further, Birmingham discloses in which the trick play audio clips are played at the normal audio speed and the trick play video clips are played at a faster than normal video speed (see column 3, lines 38-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the trick-play control for pre-encoded video of McLaren to include in which the trick play audio clips are played at the normal audio speed and the trick play video clips are played at a faster than normal video speed, as

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taught by Birmingham, for the purpose of maintaining intelligibility of a video presentation during a fast-reproduction operation.

**Claim 40** is rejected under 35 U.S.C. 103(a) as being unpatentable over McLaren et al (US Patent 6,064,794), hereinafter referred to as McLaren, in view of Lane et al (US Patent 6,141,486), hereinafter referred to as Lane.

Regarding **claim 40**, McLaren discloses everything claimed as applied above (see claim 39). However, McLaren fails to disclose in which the storage medium is a tape and recorder is a tape recorder and the indications of the positions of the trick play clips are pointers that are stored on the tape at a position that is different than the position that the performance is stored on the tape. The examiner maintains that it was well known in the art to include the missing limitations, as taught by Lane.

In a similar field of endeavor, Lane discloses methods and apparatus for recording digital data including sync block and track number information for use during trick play operation. Further, Lane discloses in which the storage medium is a tape and recorder is a tape recorder and the indications of the positions of the trick play clips are pointers that are stored on the tape at a position that is different than the position that the performance is stored on the tape (see column 21, line 34 through column 22, line 32 as well as figure 8a-8b).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the trick-play control for pre-encoded video of McLaren to include in which the storage medium is a tape and recorder is a tape recorder and the indications of the positions of the trick play clips are pointers that are

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stored on the tape at a position that is different than the position that the performance is stored on the tape, as taught by Lane, for the purpose of reducing the decoding burden on a video tape recorder.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC DAZENSKI whose telephone number is (571)270-5577. The examiner can normally be reached on M-F, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MARC DAZENSKI/  
Examiner, Art Unit 2621

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621